

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195-SHS

**DECLARATION OF IAN B.
CROSBY IN SUPPORT OF THE
NEW YORK TIMES COMPANY'S
MOTION FOR LEAVE TO FILE
SECOND AMENDED
COMPLAINT**

I, Ian B. Crosby, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Partner at Susman Godfrey L.L.P., located at 401 Union Street, Suite 3000, Seattle, WA 98101, which represents Plaintiff The New York Times Company ("The Times") in this case. I submit this declaration in support of The Times's Motion for Leave to File Second Amended Complaint.

2. Attached hereto as Exhibit A is a true and correct copy of a redline comparing the First Amended Complaint, filed on August 12, 2024, to The Times's proposed Second Amended Complaint.

3. Attached hereto as Exhibit B is a true and correct copy of The Times's proposed Second Amended Complaint.

4. I contacted counsel for Defendants to explain The Times's proposed amendment and to ask whether Defendants will oppose. Microsoft indicated that it does not intend to oppose the proposed amendment. OpenAI takes no position on the proposed amendment.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 15th day of April 2025.

/s/ Ian B. Crosby

Ian B. Crosby